

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THURSDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY**

PRESENT

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION NO: 1272 OF 2020

Petition Under Article 227 of Constitution of India aggrieved by the (Docket Order) and delay in disposal of O.P.546 of 2019 (old No.1527 of 2014) on the file of the Hon'ble Principal Judge, Family Court cum Additional Chief Judge, City Civil Court, Hyderabad.

Between:

Dr. Ravi Sankar Erukulapati, S/o Gopala Krishnaiah Erukulapati, Aged about 45 years, Occ- Doctor, R/o. Flat No.205, Orchids, 'B' block, Vasantha Valley, White Fields, Kondapur, Hyderabad, Ranga Reddy District - 500084. (Presently residing at Villa 36, Aditya Edenwoods, Tellapur - 502032)

...PETITIONER/ Petitioner

AND

Dr. Lakshmi Chirumamilla, D/o C Ramachandra Rao, Aged 46 years, Occ- Doctor, Villa no.13, Vasantha Emerald Gardens, Near Madhapur Police Station, Madhapur, Hyderabad - 500033

...RESPONDENT/ RESPONDENT

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent to cooperate for early disposal of all the matters between the parties OP 546 of 2019, OP 751 & 759 of 2012 & MC 248 of 2012 on the file of the Principal Judge, Family Court Cum Addl. Chief Judge, City Civil Court, Hyderabad, by fixing a time frame' to undertake day to day proceedings being oldest and identified, for disposal of the same on merits at the earliest without any more delay .

Counsel for the Petitioner: SRI ERANKI PHANI KUMAR

Counsel for the Respondent: SRI T. BALA MOHAN REDDY

The Court made the following: ORDER

HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

CIVIL REVISION PETITION No.1272 of 2020

ORDER:

Heard learned counsel for petitioner and Sri T.Bala Mohan Reddy, learned counsel for respondent.

2. This Revision is filed by the petitioner seeking a direction to the Court below for early disposal of O.P.No.546 of 2019 (Old Number 1257 of 2014).

3. It is not in dispute that in the said O.P., though application for maintenance were filed by respondent for her children and it is pending since 2012, trial in the O.P. commenced and the evidence on the side of petitioner has been closed.

4. Thereafter the respondent filed the affidavit in lieu of chief-examination on 30-09-2020.

5. However, on account of Covid-19 pandemic and certain instructions issued by the High Court, the matter was adjourned to 13-10-2020, 20-10-2020, 27-10-2020; and on 27-10-2020, the matter was posted for respondent's evidence to 02-11-2020 making it clear that no further time would be granted.

6. Subsequently, it was adjourned to 02-11-2020 and thereafter to 10-11-2020. Between 10-11-2020 and 09-12-2020, the case underwent 5 more adjournments, and ultimately, the Court below recorded that it is prepared to record the evidence of respondent

through video conference, but respondent is not cooperating, and adjourned the matter to 15-12-2020 for respondent's evidence either physically or through Video conference making it clear that no further time will be granted.

7. Learned counsel for respondent, on the other hand, contended that respondent is employed as a Consultant in NOVA Pulse IVF Clinic Private Limited, Hyderabad, and that she being a Doctor and Consultant, she needs to adhere to all the norms and Covid-19 guidelines laid down by National Centre for Disease Control, Government of India, Government of Telangana and Ministry of Health and Family Welfare and she is strictly following her professional duties and thereby refrained from any outside environment in order to avoid the risk of infection of Covid-19 and spread thereof.

8. *Prima facie* I am of the opinion that this excuse raised by respondent cannot be considered because there is no impediment for the respondent to give evidence through video conference if the respondent is so concerned about spread of Covid-19 pandemic, that too when the State and Central Governments have lifted lock down and except organizations like Schools and some religious places, movement of people are no longer restricted by the State on account of Covid-19 pandemic.

9. A further excuse given by respondent is that maintenance application filed by respondent for herself and for children way back

in 2012 has been kept pending and that petitioner is only interested in getting divorce from respondent, but is not interested in paying maintenance.

10. In this regard, it is also stated by learned counsel for petitioner that respondent moved two new Revision petitions today for early disposal of maintenance I.A. and another I.A.

11. Nothing prevented the respondent from moving this Court between 2012 and 2020 for early disposal of the said application seeking maintenance and when this matter is being taken up on 3rd adjournment, these applications have come up now.

12. Be that as it may, even that reason assigned by respondent would not be any impediment for the respondent to submit herself to cross-examination through video conference as offered by the Court below in its proceedings dt.09-12-2020.

13. I may point out that the High Court had framed in exercise of the powers conferred on this Court under Articles 225 and 227 of the Constitution of India "Rules for Video conference for Courts in the State of Telangana", which have also been notified in the Telangana Gazette on 29-10-2020.

14. Therefore when the Court below has such video conference facility and the respondent and her counsel can participate in recording the evidence through such video conference, the excuse

given by respondent about her inability to submit herself to cross-examination, cannot be countenanced.

15. Therefore, the respondent is directed to make herself available for cross-examination through video conference at a time and date to be decided by the Court below within three (03) weeks and submit herself for cross-examination by the counsel for petitioner. In default of the respondent cooperating in this regard, the Court below is at liberty to eschew her evidence and proceed further in the matter. In any event, the Court below shall decide the O.P. within two (02) months from the date of receipt of a copy of this order.

16. The Civil Revision Petition is allowed with the above directions. No costs.

17. Consequently, miscellaneous petitions, pending if any, shall stand closed.

//TRUE COPY//

Sd/- M. MANJULA
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Principal Judge, Family Court cum Additional Chief Judge, City Civil Court, Hyderabad.
2. One CC to SRI ERANKI PHANI KUMAR, Advocate [OPUC]
3. One CC to SRI T. BALA MOHAN REDDY, Advocate [OPUC]
4. Two CD Copies

Cia

HIGH COURT

MSRJ

DATED:31/12/2020



ORDER

CRP.No.1272 of 2020

ALLOWING THE CRP

WITHOUT COSTS

Handwritten signature and date: 01/01/2021